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In re Application of :
Donald D. Foster et al. :
Application No. 10/620,043 : **DECISION ON PETITION**
Filed: July 15, 2003 :
Attorney Docket No. 21497 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before October 19, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed July 17, 2009. Accordingly, the date of abandonment of this application is October 20, 2009. A Notice of Abandonment was mailed on November 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The petition and publication fees were paid along with the filing of this petition. An additional fee of \$1,510 is due for the issue fee. As authorized this fee will be charged to deposit account number 13-2500.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long, sweeping horizontal line extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions